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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,522	10/06/2003	Jui-Ju Yeh	CFP-015382 (15745/411)	3992

7590 09/10/2004

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EXAMINER

OKEZIE, ESTHER O

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,522

Applicant(s)

YEH, JUI-JU

Examiner

Esther O. Okezie

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manem et al in view of Wall.

3. In regard to claim 1 Manem et al discloses a hollow container comprising:
an open distal end and a closed proximal end (column 2 lines 23-29, item 20 of figure 2);
an integrally formed hollow cylindrical tube communicating with the hollow container (column 2 lines 18-21, item 11 of figure 2);
said tube having a closed distal end having a top (item 12 of figure 2);
an annular channel formed around the closed distal end of the tube in the form of threads meant for the cap to be secured upon (column 2 lines 1-5, item 12 of figure 2c).

Manem provides the use of his accessory notably for liquid dispensing, he also provides that his accessory may prove useful for a variety of applications, including the

Art Unit: 3654

dispensing of grainy substances including detergent, ice, sand, and many other household substances (column 2 lines 61-72).

While Manem discloses a cap to be slidably mounted on the channels or ridges of the cylindrical tube end (item 12 of figure 3), Manem fails to teach a hole formed in the top of the end of the tube and a cap with a corresponding hole.

Wall discloses a disc serving as a bottom cover for a cylindrical container (column 5 lines 15-25, item 124 of figure 5). This disc has a set of perforations or holes (item 118 of figure 6, item 127 of figure 10) corresponding to a top rotating cover (item 116 of figure 6) acting as a dial that is mounted on the ridges of the container lips (item 120 of figure 6). The aperture of this cover corresponds directly with the perforations formed in the bottom cover (item 127 of figure 10, column 5 lines 15-30). Wall discloses the use of this container for dispensing condiments or any food item; this is analogous to the applicant's use of a container dispensing bird food.

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the neck of Manem's container to include a cover and dial cap of corresponding holes, as taught by Wall, in order to provide a more accurate and controlled dispensing of bird food.

4. In regard to claim 2 the primary reference Manem shows a parallelepiped container (column 2 line 1-5 and item 20 of figure 1).

Art Unit: 3654

5. In reference to claim 3 the primary reference Manem clearly shows the open distal end of the container is inclined relative to the closed proximal end (column 3 lines 10-20 and figures 1-3).

6. In regard to claim 4 the combination of Manem and Wall provides for a semicircular hole in the cover of the cylindrical tube and a semicircular opening in the cap. Though Manem does not show these semicircular holes, Wall meets these limitations by providing a semicircular hole in the cover of the cylindrical container (item 127 in figure 10 of Wall) and a corresponding semicircular opening in the cap (item 128 in figure 6 of Wall). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in Manem semicircular holes that correspond to semicircular openings at the edge of the clearly circle container end as taught by Wall in order to effectively limit the dispensation of portions of the feed.

7. Lastly, in regard to claim 5 the combination of Manem and Wall provides for multiple annular ribs extending radially out from the closed distal end of the tube adjacent to the annular channels toward the open proximal end of the cylinder. Though Manem does not disclose these adjacent ribs, Wall shows these ribs or ridges extending below the lid support surface (column 5 lines 45-50, item 120 in figure 2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in Manem annular ribs adjacent to the annular channels as taught by Wall in order to secure the lid to the container.

Conclusion

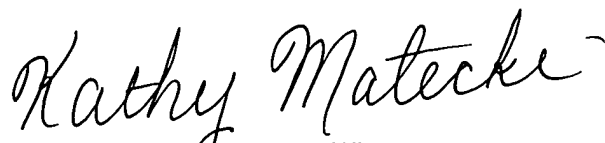
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-6,352,180, Reyhons; US-4646795, Hebron et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (703) 305-0885. The examiner can normally be reached on Mon-Fri 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

eoo


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